

# Spring Judicial College

## April 15, 16, 17, 2009

### Indianapolis

#### EDUCATIONAL OPPORTUNITIES FOR INDIANA'S JUDICIARY!

- The Spring program will offer a combination of half and full day courses on Wednesday and Thursday and half day courses on Friday. You must **REGISTER IN ADVANCE** for the course(s) you would like to attend. You may choose to register for a course on only one day, two days, or all three days. Lunch will be provided each day for enrolled participants.
- **REGISTER** for the course(s) you would like to attend by sending in the enclosed enrollment form to the Indiana Judicial Center as soon as possible.
- Courses will be limited in size, and will be filled on a first-come, first-served basis. Every effort will be made to accommodate your selection(s). Once enrolled in a course, you must attend all segments of that course (i.e., you will not be able to attend segments of other courses that run concurrently). Confirmation notice will be sent regarding your course enrollment and any advance reading materials, if applicable.
- If you have registration questions, please call Becky Goldstein at the Judicial Center, 317-232-1313, or send email to [bgoldste@courts.state.in.us](mailto:bgoldste@courts.state.in.us).

#### COURSE OFFERINGS ON WEDNESDAY, APRIL 15

##### ■ **The Origins of the Independent Judiciary & The Constitution Without a Bill of Rights**


*9:00 a.m. - 4:00 p.m. (5.5 CLE & Judicial College/Master's Credit)* The morning session will examine 200 years of English and American history from the reign of the Stuart kings (1603-1689) to *Marbury vs. Madison* and the Jefferson administration's assault on the federal judiciary (1803-1806). A discussion regarding the great cases in their political context in which the independent judiciary has been upheld or denied will be included. The afternoon session will show how foundation for rights differed in England and in America. It will trace the importance of rights in colonial and revolutionary America, why no bill of rights was included in the Constitution when it was originally drafted and adopted, and how the Bill of Rights was added to the Constitution. **Faculty:** John Kaminski, Ph.D., University of Wisconsin, Center for the Study of the American Constitution.

■ **Evidence-Based Sentencing & Dispositions for Drug Offenders** 9:00 a.m. - 4:00 p.m. (5.5 CLE & Judicial College/Master's Credit) To be effective, cost-efficient and attentive to public safety, dispositions for drug-involved offenders require substantial modifications based upon the risk-and-needs profiles of the individuals. This presentation will review a typology of these profiles and will discuss the specific clinical and supervisory adaptations that are required for various offender subtypes. **Faculty:** Douglas Marlowe, J.D., Ph.D., Chief of Science, Law & Policy, National Drug Court Institute.

■ **Indiana Evidence Rules: Exhibits - What the Heck Does Improper Foundation Mean?** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master's Credit) An in-depth discussion on the rules governing the admissibility of exhibits will be provided. The presentation will cover such topics as authenticity, original document, relevance, hearsay, personal knowledge, and the use of summaries. **Faculty:** Nancy Vaidik, Indiana Court of Appeals.

■ **Use of Arbitration in Civil and Domestic Relations Matters** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master's Credit/CME Credit Pending) This program will examine the use of non-binding arbitration in civil matters based upon the program used in Cook County, Illinois. It will also examine the use of non-binding and binding arbitration in domestic relation matters in several trial courts in Indiana. **Faculty:** David Avery, Allen Superior Court; Craig Bobay, Allen Circuit Court; Donald E.C. Leicht, Private Judge, Kokomo; K. Mark Loyd, Johnson Circuit Court.


■ **Online Tools for Judges: Protection Order Registry** 9:00 - 11:45 a.m. (2.5 CLE & Judicial College/Master's Credit) Would you like your Protection Orders to be at the local police station and the FBI just minutes after your decision? JTAC's online Protection Order Registry (POR), now in use in more than 72 counties, makes it possible! This course will provide a tour of Indiana's POR and hands-on instruction. Learn to create Protection Orders and No Contact Orders and about the process the POR uses to notify local law enforcement, the Indiana State Police, and the FBI's National Crime Information Center. **Faculty:** LaJuan Epperson, Project Manager, JTAC, Division of State Court Administration.

■ **How to Equip Your Staff to Deal With Self Represented Litigants** 1:00 - 4:00 p.m. (2.8 CLE & Judicial College/Master's Credit)  This "how-to" workshop will present practical tools to help judges teach their court staff more effective ways to deal with self represented litigants, and will include a discussion regarding legal information vs. legal advice. By the end of the session, each judge will have developed a basic outline for "doable" staff training tailored to the needs of their own court. **Faculty to include:** Barbara Harcourt, Senior Judge/Staff Attorney, Indiana Judicial Center; Camille Wiggins, Staff Attorney, Division of State Court Administration.

■ **"I'll Never Forget that Face:" Expert Testimony on the Psychology of Eyewitness Reliability and Evidence Collection** 1:00 - 4:00 p.m. (2.8 CLE & Judicial College/Master's Credit) There have been over 230 cases in which criminal defendants have been convicted at trial, sentenced to prison and even to death row, but later shown through DNA exoneration to have been innocent. Of these, some 70% were due to mistaken eyewitness identification. This presentation focuses on the 100 years of work in psychology devoted to the factors that affect eyewitness reliability, and the collection of eyewitness evidence by photospreads and lineups and what we now know can improve evidence collection in eyewitness cases. The use of expert testimony by psychologists in eyewitness cases is also discussed, along with policy recommendations for change. **Faculty:** Solomon M. Fulero, J.D., Ph.D., Sinclair College, Dayton, Ohio.

■ **Case Management Lab: The Odyssey CMS** 1:00 - 3:45 p.m. (2.5 CLE & Judicial College/Master's Credit) Take a hands-on test drive of the Supreme Court's Odyssey Case Management System, which is currently in use in DeKalb, Floyd, Monroe, Tipton and Warren counties and Marion County's Center, Franklin and Washington Township Small Claims Courts. Experience firsthand the processes of starting a case; entering charges, fees and other case details into the system; and disposition of cases. **Faculty:** Donna Edgar, CMS Project Manager & Marci Scott, Court Reporter Subject Matter Expert and Field Trainer, JTAC, Division of State Court Administration.

## **COURSE OFFERINGS ON THURSDAY, APRIL 16**

■ **Brains and Biases: Yesterday and Today - A Law and Literature Course**  9:00 a.m. - 4:00 p.m. (5.5 CLE & Judicial College/Master's Credit) "Oh please, not another program on race and gender 'sensitivity' - been there, done that!" Well, then, let's go where we've not gone before. And let's consider why we must do so now. What can literature, old and new, help us understand about the issues, old and new, coming to our courts? What can recent research in brain science help us understand about our own brains and biases, our own motivations and decision-making processes? Same ol' same ol' - or a whole new ball game in the age of Obama? Reading assignments will be sent out in advance to enrolled participants. **Faculty:** Charles Schudson, Wisconsin Reserve Judge.

■ **Judicial Writing** 9:00 a.m. - 3:00 p.m. (4.5 CLE & Judicial College/Master's Credit) This course is a concentrated study of basic English composition rules as applied to legal writing. After attending this course, participants will be able to identify the audience and styles of judicial writing; acquire techniques for writing clearly, precisely, and unambiguously; diagnose and revise difficult and unclear writing, including findings of fact and conclusions of law; and define the relationship between writing and decision making. **Faculty:** Professor Elizabeth Francis, University of Nevada, Reno.

■ **Improving Judicial Practices** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master's Credit)

Judicial officers are continuously looking for ways to improve the practice of judicial management. Sponsored by the Court Performance Task Force, this session will begin with a general discussion of the potential advantages as well as the concerns and limitations of structured assessment techniques and tools for the judiciary. This session will introduce judges to CourTools, a set of ten trial court measures that offers a systematic perspective of court operations. CourTools, presently utilized in a few Indiana trial courts, provides a judicial officer with statistical information about a variety of court operations, including time to disposition, trial date certainty, court employee satisfaction and access and perceived fairness. **Faculty:** Earl Penrod, Gibson Superior Court; Ingo Keiltz, Consultant, National Center for State Courts.

■ **Zombie Debt: Old Debt Arising from the Dead** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master's Credit) With consumers' increased use of credit over the last several years, coupled with today's rise in unemployment, mortgage foreclosures, and ever-increasing household costs, the debt-collection caseload in our court system has substantially increased. Courts want to ensure fair procedures for consumers and to process the increased caseloads with their own shrinking budgets. As old debt seems to rise from the dead, it has taken on the name of "zombie debt" - debt that comes back to haunt consumers who thought it was resolved.

■ **Child Support Guidelines: New and Improved!** 1:00 - 3:45 p.m. (2.5 CLE & Judicial College/Master's Credit) Proposed amendments to Indiana's Child Support Guidelines will be explored during this session. Additional commentary on the parenting time credit, support orders when the obligor is in prison, additional guidance on social security disability benefits, a new health insurance premium worksheet and other items will be discussed. Members of the Domestic Relations Committee will present the new and improved guidelines and will want your comments on these and other changes.

■ **The Changing Face of Foreclosure** 1:00 - 4:00 p.m. (2.8 CLE & Judicial College/Master's Credit) This course will also be offered on Friday. Since 2001, Indiana has had one of the highest foreclosure rates in the country. Even though Indiana is no longer in the top five, our foreclosure rate has actually increased. Our courts are overwhelmed with foreclosure filings. The securitization of mortgage loans has changed what was once a simple, straightforward cause of action into complicated, commercial litigation. In this interactive session, the mortgage foreclosure process will be broken down, paying special attention to the challenges securitization brings. As the foreclosure crisis has continued, so has the need for creative solutions. Mediation and settlement conferences provide alternative modes of resolution. A discussion regarding the efforts by courts and the legislature to facilitate negotiated settlements will be included. **Faculty:** Judith Fox, Associate Clinical Professor of Law, Notre Dame Law School; Cynthia Ayers, Marion Superior Court.

## **COURSE OFFERINGS ON FRIDAY, APRIL 17**

■ **The Changing Face of Foreclosure** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master's Credit) This is a repeat of the course offered on Thursday. Since 2001, Indiana has had one of the highest foreclosure rates in the country. Even though Indiana is no longer in the top five, our foreclosure rate has actually increased. Our courts are overwhelmed with foreclosure filings. The securitization of mortgage loans has changed what was once a simple, straightforward cause of action into complicated, commercial litigation. In this interactive session, the mortgage foreclosure process will be broken down, paying special attention to the challenges securitization brings. As the foreclosure crisis has continued, so has the need for creative solutions. Mediation and settlement conferences provide alternative modes of resolution. A discussion regarding the efforts by courts and the legislature to facilitate negotiated settlements will be included. **Faculty:** Judith Fox, Associate Clinical Professor of Law, Notre Dame Law School; Cynthia Ayers, Marion Superior Court.

■ **Minor Offenses: The Special Charge of OWI** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master's Credit) This practical program explores minor offenses, focusing on the special and oftentimes confusing world of Operating While Intoxicated and related offenses. In addition to a "nuts and bolts" discussion of minor offenses, the topics will also include chemical test issues, license suspensions, sentencing requirements, special OWI search and seizure issues, and "outreach programs" such as Victim Impact Panels, Courage to Live programs, Town Hall meetings, Sentencing Circles, and Ignition Interlock programs. **Faculty:** Vicki Carmichael, Clark Superior Court; Darrin Dolehanty, Wayne Superior Court.

■ **Compassion Fatigue: The Cost of Caring** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master's Credit) Graphic pictures of a homicide victim are in evidence; explicit details of a murder are heard; autopsy photos of children killed in a car wreck are seen over and over again as part of the trial. Is this just "part of the job" of being a judicial officer? Or, over time, do judicial officers experience compassion fatigue? Also known as vicarious traumatization or secondary traumatic stress, these terms describe the cost of caring. Judges do not always realize that disturbing cases are a root of their problems. Symptoms may include memory problems; cynicism; difficulty with issues of trust; safety and control; and lowered self-esteem and intimacy. This course will address the cost of caring and its impact on the judiciary. **Faculty:** Michael Jenuwine, J.D., Ph.D., Associate Clinical Professor of Law, Notre Dame Legal Aid Clinic

**Indiana Judicial Education Requirements:** The Indiana Judicial Center, as the approved sponsor, will certify to the Indiana Continuing Legal Education Commission, the Continuing Legal Education Credit (CLE) you report to the Indiana Judicial Center. You need to complete at least 6 hours of CLE each year with no less than 36 hours per each 3 year reporting period. At least 3 hours in ethics/professional responsibility per each 3 year period is required. Those courses with ethics credit available are so indicated. **E**

No more than 12 hours of the 36 hour requirement is to be filled by non-legal subject matter courses "NLS." In addition, no more 6 hours of the 36 hour requirement may be obtained through an accredited interactive distance education during an educational period. To be accredited, you or the course sponsor must apply for accreditation at least 30 days before the course is presented using an Application for Accreditation.

**The Indiana Judicial College** is a program offered by the Indiana Judicial Center for all judicial officers and requires 120 hours of designated "Judicial College credit" hours offered by the Indiana Judicial Center. All judicial officers are automatically eligible. Judicial College credits must be claimed on the forms provided by the Judicial Center. (Judicial College credit forms are not the same as the CLE certificate of attendance forms.)

**The Master's Certificate Program** is offered by the Indiana Judicial Center for graduates of the Indiana Judicial College. Judicial officers must earn 120 **additional** hours of Master's Judicial College credit. Credit hours are to be claimed on forms provided by the Judicial Center. You will need to complete the Graduate Program for Indiana Judges before or during participation in the Master's Certificate Program, and you will need to submit an original writing or other "special project," as approved by the Judicial Education Committee.